

IN THE CLAIMS

Please amend the claims as follows:

1. (currently amended) A sheet cosmetic comprising a single-layered aqueous gel sheet having no supporting layer, wherein ~~the~~ an aqueous gel sheet of 1 mm in thickness has a light transmittance of 70% or more.

2. (original) A sheet cosmetic according to claim 1, having an adhesion force 1-100 times its own weight.

3. (original) A sheet cosmetic according to claim 1 or 2, having a gel strength of 1000 g/cm<sup>2</sup> or less.

4. (currently amended) A sheet cosmetic according to any one of claims 1 ~~to 3~~ or 2, comprising an agar (A) which has a gel strength of 600 g/cm<sup>2</sup> or less at an agar content of 1.5 wt%, wherein said agar ingredient (A) is obtained by subjecting raw seaweed having a sulfate group content of 1-10% to extraction in neutral hot water.

5. (original) A sheet cosmetic according to claim 4, further comprising an additional water-soluble polymer (B).

6. (original) A sheet cosmetic according to claim 4, further comprising a humectant (C).

7. (currently amended) The sheet cosmetic of claim 1, wherein said ~~aqueous gel sheet has a~~ light transmittance ~~of~~ is 80% or more.

8. (currently amended) The sheet cosmetic of claim 1, wherein said ~~aqueous gel sheet has a~~ light transmittance ~~of~~ is 85% or more.

9. (previously presented) The sheet cosmetic of claim 1, having an adhesion force 1-90 times its own weight.

10. (previously presented) The sheet cosmetic of claim 1, having an adhesion force 1-50 times its own weight.

11. (previously presented) The sheet cosmetic of claim 1, having a gel strength of 200-1,000 g/cm<sup>2</sup>.

12. (previously presented) The sheet cosmetic of claim 1, having a gel strength of 200-800 g/cm<sup>2</sup>.

13. (previously presented) The sheet cosmetic of claim 1, wherein said gel forming material is selected from the group consisting of agar, mannan, gelatin and a mixture thereof.

14. (previously presented) The sheet cosmetic of claim 5, wherein said water-soluble polymer is present in an amount of 0.001 to 50 wt.%.

15. (previously presented) The sheet cosmetic of claim 5, wherein said water-soluble polymer is present in an amount of 0.01 to 10 wt.%.

16. (previously presented) The sheet cosmetic of claim 6, wherein said humectant is present in an amount of 0.001 to 40 wt.%.

17. (previously presented) The sheet cosmetic of claim 6, wherein said humectant is present in an amount of 0.01 to 30 wt.%.

18. (previously presented) The sheet cosmetic of claim 1, having a thickness of 0.1 to 5 mm.

19. (previously presented) The sheet cosmetic of claim 1, having a thickness of 0.5 to 2 mm.

REQUEST FOR RECONSIDERATION

Claims 1-19 remain active in this application.

Applicants wish to thank examiner Howard for the helpful and courteous discussion held with their U.S. representative on January 14, 2004. At that time, Applicants' U.S. representative argued that the base layer of the reference was not an optional component, and that in the absence of the base layer, the reference fails to suggest a sheet structure whatsoever. The following is intended to expand upon the discussion with the examiner.

The present invention is directed to a sheet cosmetic comprising an aqueous gel sheet having **no supporting layer**.

The rejection of Claims 1-19 under 35 U.S.C. § 103(a) over JP 8-188,527 (hereinafter JP '527) is respectfully traversed.

JP '527 fails to describe a cosmetic sheet having no supporting layer.

JP '527 describes a sheet-like pack used for skin regulation and cosmetic (page 5 [0001] of English language translation). The reference describes that the pack agent layer is **provided on a base fabric**, such a synthetic resin films, non-woven fabrics, and non-woven paper (page 21 [0019] of English language translation). At page 22, [0020] is a description of forming the pack agent by spreading on the base fabric. Each of examples 1-19 and comparative examples 1-5, exemplify a pack formed on a base fabric. A base fabric is a supporting layer. The sheet-like pack of JP '527 **has a supporting layer**. As such the reference clearly teaches the presence of a supporting layer and therefore fails to disclose or suggest a cosmetic sheet having no supporting layer.

In contrast the present invention is directed to a sheet cosmetic comprising a single-layered aqueous gel sheet having **no supporting layer**. The **claim limitation** of "no

**supporting layer**” is not found in the cited reference as mentioned above. Because the **claim limitation** of no supporting layer is not found in the cited reference, the claimed invention is simply not made obvious from the reference.

To establish a *prima facie* case of obviousness, three **basic** criteria must be met. First there must be some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a **reasonable expectation of success**. Finally, the prior art reference (or references when combined) must teach or suggest **all the claim limitations**. (M.P.E.P. 2143) (emphasis added)

As the cited reference fails to disclose or suggest **the claim limitation of no supporting layer**, the present invention is clearly not *prima facie* obvious over the cited reference.

In response to Applicant’s arguments, the examiner cites to section [0019] of the reference at page 21/45, that with respect to the base fabric “it can choose suitable”. The inference asserted by the use of the verb “can” is that the use of a support layer is optional. Applicants respectfully submit that it is the selection of the specific base fabric which is optional, not the use of a base fabric. Applicants further note, that the next paragraph in section [0019] states that the pack agent layer is provided on the base fabric... Such a statement makes clear that the base fabric is essential to the sheet pack of the reference.

Moreover, the reference makes not reference whatsoever to the pack agent being in the form of a sheet, except in the context of being deposited as a layer on a base fabric. There is no disclosure in the reference of formation of a separate layer of pack agent. Prior to being deposited on the surface of the base fabric, the pack agent merely exists as a mass of undefined, without a sheet structure. It is the association with the base fabric which confers a sheet structure to the pack of the reference. As such, while the reference describes a gel sheet

in the presence of a supporting layer, there is no suggestion of a gel **sheet** in the absence of a supporting layer. In the absence of the supporting layer, there is no suggestion of a sheet structure.

In addition, there is no motivation found in the cited reference, to provide a sheet cosmetic having no supporting layer, as the reference clearly teaches that a supporting layer must be present. There is no motivation to provide the claimed sheet cosmetic which has **no** supporting layer. Thus, the claimed invention is clearly not obvious over the cited reference.

Finally, there would have been no expectation of successfully forming a sheet cosmetic having no supporting layer, as the cited reference teaches that a supporting layer must be present. In the absence of any expectation of successfully forming a sheet cosmetic having no supporting layer, the claimed invention is clearly not rendered obvious by this reference.

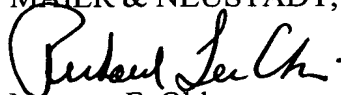
The cited reference fails to 1) disclose all of the elements of the claimed invention; 2) provide any motivation to provide the claimed invention; and 3) fails to provide any expectation of successfully providing a sheet cosmetic having no supporting layer. The claimed invention is certainly not rendered obvious by this reference. Withdrawal of the rejection under 35 U.S.C. § 103 (a) is respectfully requested.

Application No. 09/856,157  
Reply to Office Action of January 2, 2004

Applicants submit this application is now in condition for allowance and early  
notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Richard L. Chinn, Ph.D.  
Registration No. 34,305



**22850**

Telephone: (703) 413-3000  
Facsimile: (703) 413-2220  
RLC:dbl